

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Judy Jien, *et al.*,

Plaintiffs,

v.

Perdue Farms, Inc., *et al.*,

Defendants.

**Civil Action No. 1:19-CV-2521
The Honorable Stephanie A. Gallagher**

**SANDERSON FARMS INC.’S MOTION TO DISMISS PLAINTIFFS’ SECOND
AMENDED CONSOLIDATED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Sanderson Farms, Inc. (“Sanderson Farms”), hereby moves to dismiss Plaintiffs’ Second Amended Consolidated Complaint (“Complaint”) (Dkt. No. 386). Sanderson Farms files this motion to dismiss pursuant to the schedule established by the Court’s November 12, 2020 Paperless Order (Dkt. No. 391), and in compliance with the length limitations specified by Local Rule 105(3).

For the reasons stated in Sanderson Farms’ accompanying Memorandum in Support of Sanderson Farms, Inc.’s Motion to Dismiss, Sanderson Farms should be dismissed from this litigation. Sanderson Farms is entitled to dismissal because Plaintiffs do not plead facts sufficient to “specify how [Sanderson Farms] [was] involved in the alleged conspiracy,” *SD3, LLC v. Black & Decker (U.S.) Inc.*, 801 F.3d 412, 422 (4th Cir. 2015), and persist in impermissible group pleading; do not tie Sanderson Farms to any “direct evidence” alleged in the Complaint or otherwise plausibly plead its agreement to suppress compensation (Count I); and do not plausibly allege that Sanderson Farms reached any agreement to impermissibly share compensation information with competitors (Count II). Thus, Plaintiffs’ Complaint should be dismissed with prejudice as to Sanderson Farms.

Dated: December 18, 2020

Respectfully submitted,

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